

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

MARTIN J. WALSH,
SECRETARY OF LABOR
U.S. DEPARTMENT OF LABOR,

Plaintiff,

v.

PACKERS SANITATION SERVICES, INC.,
LTD.,

Defendant.

No. CV: 4:22-CV-03246

**DEFENDANT’S RESPONSE TO
PLAINTIFF’S NOTICE (Filing 32)**

In response to the Notice filed today by the Secretary (Filing 32), stating that the Secretary has provided Defendant Packers Sanitation Services, Inc., Ltd. (“PSSI”) with the names of “four minors it believes Defendant currently employs . . . at two separate facilities,” PSSI has confirmed that those four identified individuals actually are *not* current employees of PSSI, have not been working and have not been employed by PSSI for some time prior to the receipt of the names of these individuals this morning by PSSI’s counsel. At the time of hire, each of the four individuals attested under penalty of perjury to certain information, including their age, produced documentation showing that they were over the age of 18 as required by PSSI’s policy, and every person was deemed employment authorized by the federal government’s E-Verify process. Moreover, this process is utilized for every PSSI employee.

Further, in a subsequent filing today (Filing 33), the Secretary states that “since obtaining the [Temporary Restraining Order (TRO)], the Department has identified and confirmed . . . additional minor children hired by PSSI,” including the four individuals previously referred to above. By this statement, PSSI assumes that the Secretary did not *intend* to imply that PSSI has hired minors *after* the TRO was entered because the Secretary has identified no such individuals to PSSI. Thus, the other seven individuals referenced by the DOL in Filing 33, who the Secretary

never has identified to PSSSI or the Court, presumably also would be *former* employees. If that assumption is incorrect, PSSSI anticipates that the Secretary promptly will advise it and the Court, as required by the Court's November 21, 2022 Amended Order (Filing 23).

Since November 10, 2022, when this Court entered a Temporary Restraining Order, PSSSI has taken extraordinary steps to ensure that it is in full compliance with the Court's Order, as has been outlined in detail to counsel for the Secretary. PSSSI will continue to take those steps necessary to comply both with the Company's policy of not having employees under the age of 18 and with the Court's TRO.

Respectfully submitted,

/s/ J. Randall Coffey

J. Randall Coffey

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ATTORNEYS FOR DEFENDANT
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CERTIFICATE OF SERVICE

The undersigned certifies that on this 30th day of November, 2022, the foregoing Response was filed via the Court's Electronic Filing System and service made via the same, to:

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